IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1190 OF 2005

WITH

CIVIL APPLICATION NO. 2848 OF 2005

M/s. Pacoline Industries ..Appellants

versus

Employees State Insurance

Corporation ..Respondents

Mr. A. D. Patwardhan for the Appellants.

Mr. H. V. Mehta for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 5TH JULY,2005

ORAL ORDER :

1. Heard.

2. Only question that is challenged in this appeal is why the Employees Insurance Court, Pune, should remand the matter to E.S.I. Corporation when the court is competent to decide all the questions. Looking to the nature of the issue involved, the appeal is admitted and taken up for final hearing.

3. There is no dispute that the Employees

Insurance Court could not have decided the matter or was incompetent to decide or had no powers to decide all the questions involved, for which the matter was remanded to E.S.I. Corporation. Therefore, the impugned order is set aside. Employees Insurance Court itself to decide all the questions by giving reasonable opportunity to both the sides. Decision is to be given on merits as per the law. Both the parties can lead further evidence.

4. Appeal disposed of along with the Civil Application.

5.7.2005 (D.G. DESHPANDE, J.)